

The Gazette of India

PUBLISHED BY AUTHORITY

No. 29] NEW DELHI, SATURDAY, JULY 17, 1954

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 10th July 1954 :—

Issue No.	No. and date	Issued by	Subject
146	S.R.O. 2225, dated the 3rd July 1954.	Ministry of Law	The High Courts (Judges) (Amendment) Order, 1954.
147	S.R.O. 2226, dated the 6th July 1954.	Ministry of Commerce and Industry.	The Coir Industry Rules, 1954.
148	S.R.O. 2227, dated the 6th July 1954.	Ditto	The Establishment of a Coir Board.
149	S.R.O. 2228, dated the 29th June 1954.	Election Commission, India.	Election Petition No. 313 of 1952.
150	S.R.O. 2229, dated the 5th July 1954.	Ditto	Amendment made in the Notification No. 102/15/51-Elec.-II(1), dated the 5th September 1951.
151	S.R.O. 2230, dated the 8th July 1954.	Ministry of Commerce and Industry.	The Forward Contracts (Regulation) Rules, 1954.
152	S.R.O. 2320, dated the 8th July 1954.	Election Commission, India.	Designation of officers in the State of Mysore to whom a claim or objection in respect of electoral roll may be presented.
153	S.R.O. 2321, dated the 10th July, 1954.	Ministry of Food and Agriculture.	The Rice (removal of Control) Order, 1954.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).****ELECTION COMMISSION, INDIA***New Delhi, the 7th July 1954*

S.R.O. 2329.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. PB-CS/BN/54(2), dated the 21st May, 1954, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Sant Singh, 12, Model Town, Ludhiana, Punjab.

[No. PB-CS/BN/54(5).]

By Order,

P. N. SHINGHAL, Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 10th July 1954*

S.R.O. 2330.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Home Department, No. F.9-19/30-Ests., dated the 27th February 1932 namely:—

In the Schedule to the said rules, under the heading "Ministry of Rehabilitation" and sub-heading "Office of the Chief Settlement Commissioner, New Delhi", the following entries shall be added, namely:—

"Class III and IV posts	Regional Settlement Commissioner	Regional Settlement Commissioner	All	Joint Secretary, Ministry of Reha- bilitation."
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[No. 7/7/54-Ests.]

S. P. MAHNA, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS*New Delhi, the 9th July 1954*

S.R.O. 2331.—On return from leave, Shri R. B. Ghatge resumed charge of the Post of Protector of Emigrants, Bombay, with effect from the 21st June, 1954.

[No. F1-5/54-Eml.]

MOHD. YUNUS, Under Secy.

MINISTRY OF STATES*New Delhi, the 13th July 1954*

S.R.O. 2332.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of States, No. 104-J, dated the 24th August, 1950, namely:—

In Schedule I to the said notification, after the entry relating to the Payment of Wages Act, 1936 (IV of 1936), the following entry shall be inserted, namely:—

"The Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938).—All."

[No. 83-J.]

J. C. GHOSAL, Under Secy.

ORDER

New Delhi, the 5th July 1954

S.R.O. 2233.—In pursuance of the provisions of clause (2) of article 221 of the Constitution, as applied by clause (13) of article 238 thereof, to the States specified in Part B of the First Schedule, the President, after consultation with the Rajpramukh of the State of Madhya Bharat, hereby determines that Shri Justice Abdul Hakim Khan of the Madhya Bharat High Court shall be granted an advance of money amounting to Rs. 10,000 (rupees ten thousand only) for the purchase of a motor car subject to the condition that the said amount of advance together with the interest accruing thereon shall be repayable in sixty instalments.

[No. F.15(5)-PA/53.]

S.R.O. 2334.—In pursuance of the provisions of clause (2) of article 221 of the Constitution, as applied by clause (13) of article 233 thereof, to the States specified in Part B of the First Schedule, the President, after consultation with the Rajpramukh of the State of Hyderabad, hereby determines that the Judges of the High Court of Hyderabad mentioned in the second column of the Table hereto annexed shall be granted advances of money specified in the corresponding entry of the third column thereof for the purchase of a motor car for each, subject to the condition specified in the fourth column of the said Table.

TABLE

S. No.	Name of the Judge	Amount of the advance	Condition
1	2	3	4
1.	Shri Justice Shripat Rao Palnitkar	I.G. Rs. 10,000	The amount together with the interest accruing thereon shall be repayable in sixty instalments.
2.	Shri Justice Vithal Rao Deshpande	O.S. Rs. 14,000	

[No. F.12(14)-H/53.]

V. VISWANATHAN, Joint Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

OFFICE OF THE TREASURER OF CHARITABLE ENDOWMENTS FOR INDIA

CORRIGENDUM

New Delhi, the 8th July 1954

S.R.O. 2335.—In the list of properties and the list and abstract account of securities held by the Treasurer of Charitable Endowments for India for the year 1953-54, published in the *Gazette of India*, Part II, Section 3, dated the 19th June, 1954—

1. On page 1616—(a) In the Column headline, for the figure 6 occurring between figures 4 and 6, substitute the figure 5.
(b) For the words 'Ssr Rahimtulah mehhrali Chfnoy Kt. and Naval H. Tata' appearing in lines 2 to 4 in Column 5 against Serial Nos. 4 and 3, substitute 'Sir Rahimtulah Meherali Chinoy Kt. and Mr. Naval H. Tata'.
- (c) In Column 6 against Serial Nos. 7 and 8 the words "Fenkins House" should read as "Jenkins House".
2. On page 1623—The figure in Column 12 against case No. 5, should read as '131-4-0' instead of dots "...".
3. On page 1624—(a) The figure of '173-2-0' should be substituted for the figure '172-3-0' appearing in Column 12 against Case No. 13.
(b) The figure of '39-15-0' in Column 10 against Case No. 19, should read as '39-1-5'.

[No. F.9(12)-F.I-TCE/54.]

S.R.O. 2336.—A list of properties and a list and abstract account of securities in respect of the Madras State held by the Treasurer of Charitable Endowments for India under the Charitable Endowments Act, 1890 (VI of 1890), for the year 1953-54 are published for general information.

PART I

List of properties other than Securities

Sl. No.	Particulars of vesting order		Name of Endowment	Administrators of Property	Property held		Annual income if known	Remarks
	No.	Date			Description	Value		
1	2	3	4	5	6	7	8	9

MADRAS

1	Madras Govt. No. 389 Educational.	25th June 1904.	The Lawrence Memorial School (Lovedale) Fund.	Board of Administration composed of (1) The Secy. to Govt. of India, Ministry of Education, who shall be the Chairman. (2) The Secy. to the Govt. of India, Ministry of Finance, who shall be the Treasurer of the School. (3) The Secy. to the Govt. of India, Ministry of Defence and (4) four other members to be nominated by the Govt. of India.	(a) Land in Madras bearing Survey No. 232 and measuring 15 cawnies, 18 grounds and 1,678 Sq. ft. with the building thereon known as the Madras Military Female Orphan Asylum. (b) Land in Ketu in the registration district of Coimbatore-Nilgiris and registration sub-district of Coonoor bearing survey.	1,26,475 0 0 ..		The property is in the occupation of Civil Orphan Asylum in consideration of its maintaining 30 additional girls such as were formerly admitted to the Madras Military Female Orphan Asylum.
					No. Acres			
					1158 12.57			
					1224/A/1 29.26			
					1224/A/3 606.55			
					1224/A/5 25.34			
					1224/A/8 4.20			
					1224/B/2 0.74			
					1224/B/4 1.06			

1224/C 0·67
(c) Land in Ootacamund in the registration district of Coimbatore-Nilgiris and registration sub-district of Ootacamund bearing

Survey No.	Acres
1224/A/5	1·66 4/8
1224/A/7	0·05 5/8

PART

List and abstract

Case	Name of Endowment	Person on whose behalf held	3% Conversion Loan 1946	4% 1960-70	Non transferable Treasury Notes 4% of 1863-64
1	2	3	4	5	6
MADRAS					
1	Lawrence Memorial School (Love-dale) Fund.	Board of Administration composed of (1) The Secretary to the Govt. of India, Ministry of Education, who shall be the Chairman, (2) The Secretary to the Government of India, Ministry of Finance, who shall be the Treasurer of the school, (3) the Secretary to the Government of India, Ministry of Defence, and (4) four other members, to be nominated by the Government of India.	7,90,800	3,40,700	20,218 14 0
COORG					
2	Yates Endowment Fund, Coorg.	District Educational Officer, Coorg, Mercara.	400	..	..
3	The Koravanda Appiah's Educational Endowment Fund.	A Board of Trustees consisting of the following gentlemen with power to add to their number if they find it necessary :— (1) Shri Koravanda Mandanna. (2) Sri Kodvia Uthappa. (3) Sri Koravomon Chirmanna. (4) Sri C. Achuta Rao.	15,800	..	..
4	The 1937 Coronation Essay Prize Fund.	A Board of Trustees consisting of (1) Headmaster, Central High School, Mercara, (2) Headmaster, Government High School, Virajpet, and (3) Headmistress, Girls' High School, Mercara.	100	..	..
5	Post-War Services Reconstruction Fund for Coorg.	A committee consisting of (1) The Chief Commissioner of Coorg, (2) The Commander, Bangalore Sub-area, (3) The Assistant Commissioner of Coorg, (4) The District and Sessions Judge of Coorg, and (5) Rao Bahadur K. G. Balliappa.	..	..	..

II

account of securities.

Particulars of Securities

Non-transferable Treasury Notes 4% of 1873-74	3% Second Victory Loan 1959-61	4% Non- Transferable Treasury Notes 1872-73	4½% Loan of 1955-60	3% Loan of 1963-65	National Saving Certificates	Total of Securities
7	8	9	10	11	12	13
10,000	..	41,400	1,16,000	16,400	..	13,35,518 14 0
..	400 0 0
..	300	..	..	..	800	16,900 0 0
..	100 0 0
..

PART

List and abstracts

Cash

Case	Name of Endowment	Person on whose behalf held	Balance on 1st April, 1953	Interest or dividend realised
1	2	3	14	15
MADRAS				
1	Lawrence Memorial School (Love-dale) Fund.	Board of Administration composed of (1) The Secretary to the Govt. of India, Ministry of Education, who shall be the Chairman, (2) The Secretary to the Government of India, Ministry of Finance, who shall be the treasurer of the school, (3) the Secretary to the Government of India, Ministry of Defence, and (4) four other members, to be nominated by the Government of India.	1,620 0 5	46,956 12 0
COORG				
2	Yates Endowment Fund, Coorg.	District Educational Officer, Coorg, Mercara.	119 13 4	12 0 0
3	The Koravanda Appiah's Educational Endowment Fund.	A Board of Trustees consisting of the following gentlemen with power to add to their number if they find it necessary :— (1) Shri Koravanda Mandanna. (2) Sri Kodvia Uthappa. (3) Sri Koravomom Chirmanna. (4) Sri C. Achuta Rao.	501 2 0	483 0 0
4	The 1937 Coronation Essay Prize Fund.	A Board of Trustees consisting of (1) Headmaster, Central High School, Mercara, (2) Headmaster, Government High School, Virajpet, and (3) Headmistress, Girls' High School, Mercara.	45 5 0	3 0 0
5	Post-War Services Reconstruction Fund for Coorg.	A committee consisting of (1) The Chief Commissioner of Coorg, (2) The Commander, Bangalore Sub-area, (3) The Assistant Commissioner of Coorg, (4) The District and Sessions Judge of Coorg, and (5) Rao Bahadur K. G. Balliappa.	33,635 11 6	..

II

account of securities

Receipts

Other cash receipts	Total Cash receipts including balance	Cash expenditure payment	Balance in Cash on 31-3-54	Remarks
16	17	18	19	20
..	48,576 12 5	{ (A) 244 9 0 (B) 46,712 3 0	1,620 0 5	(A) Fees paid to Government. (B) Interest remitted.
—	131 13 4	(A) 0 1 0	131 12 4	
—	984 2 0	(A) 2 8 0 (B) 250 0 0	731 10 0	
—	48 5 0	..	48 5 0	
—	33,635 11 6	..	33,635 11 6	

(Department of Economic Affairs)*New Delhi, the 13th July 1954*

S.R.O. 2337.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government, on the recommendation of the Reserve Bank, hereby declares that the provisions of clause (i) of section 12 of the said Act shall not apply until the 31st day of March, 1955, to the Prabhat Bank Ltd., Delhi.

[No. F.4(138)-F.I./54.]

N. C. SEN GUPTA, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)**INCOME-TAX***New Delhi, the 5th July 1954*

S.R.O. 2338.—In exercise of the powers conferred by sub-section (1) read with sub-section (3) of section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby directs that for the purposes of making any assessment subsequent to the year ending on the 31st day of March, 1954, the following amendments shall be made in the notification of the Government of India in the late Finance Department, No. 878F (Income-tax), dated the 21st March, 1922, namely:—

In the said notification—

(a) in Part I, item 27 relating to the exemption of interest on Mysore Darbar Securities shall be omitted; and

(b) after item (2) of Part III, the following item shall be inserted, namely:—

“(3) Interest receivable on the following securities issued by the Mysore Government:

- (1) The Mysore Government 5 per cent. Loan of 1955.
- (2) The Mysore Government 4 per cent. Conversion Loan 1953-63.
- (3) Mysore 3½ per cent. Loan 1951-58.
- (4) Mysore 3 per cent. Loan 1956-61.
- (5) The Mysore Government 3 per cent. Loan of 1958.”

[No. 39.]

ORDER*New Delhi, the 5th July 1954*

S.R.O. 2339.—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following order, namely:—

No income-tax shall be payable by an assessee on the interest receivable on all deposits in the Mysore Government Savings Bank made before the 1st day of April, 1950, and on 5 years Mysore Government Savings Certificates issued prior to that date.

Provided that, in the case of an assessee who would not have been resident in the taxable territories within the meaning of section 4A of the said Act but for the application of that Act to the Mysore State, the said interest is received within the territories of that State.

Provided further that, in the case of any other assessee, the said interest is received within the territories of the Mysore State and is not brought into any other part of the taxable territories to which the said Act applies.

Provided also that such interest shall be included in the total income of an assessee referred to in proviso last preceding and shall not be exempt from super-tax.

[No. 40.]

S.R.O. 2340.—In exercise of the powers conferred by section 60A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby makes the following order, namely:—

No income-tax shall be payable by an assessee on the interest receivable on the fourth and fifth series of debentures carrying interest at $3\frac{1}{4}$ per cent. per annum issued by the Mysore Central Co-operative Land Mortgage Bank Ltd. and guaranteed by the Mysore Government.

Provided that, in the case of an assessee who would not have been resident in the taxable territories within the meaning of section 4A of the said Act but for the application of that Act to the Mysore State, the said interest is received within the territories of that State.

Provided further that, in the case of any other assessee, the said interest is received within the territories of the Mysore State and is not brought into any other part of the taxable territories to which the said Act applies.

Provided also that such interest shall be included in the total income of such assessee and shall not be exempt from super-tax.

[No. 41.]

HEADQUARTERS ESTABLISHMENTS

New Delhi, the 13th July 1954

S.R.O. 2341.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint, with effect from the 2nd July 1954, Shri G. S. Chadha, Income-tax Officer as Authorised Representative to appear, plead and act for any Income-tax Authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 61.]

G. L. POPHALE, Dy. Secy.

HEADQUARTERS ESTABLISHMENT

New Delhi, the 8th July 1954

S.R.O. 2342.—The following notification by the Income-tax Investigation Commission is published for general information.

“NOTIFICATION

It is notified for general information that the Income-tax authority mentioned in column (1) of the table attached to this notice has been authorised with effect from the date mentioned in column (2) thereof by the Income-tax Investigation Commission, without prejudice to his regular duties, to be authorised official under section 6 of the taxation on Income (Investigation Commission) Act, 1947, and that under the provisions of the said Act, any person (including a person whose case is not under investigation) who is required by the said authorised official in the course of the investigation:—

- (1) to produce accounts or documents;
- and/or (2) to give information in respect of such accounts or documents;
- and/or (3) to attend in person and answer questions on oath;
- and/or (4) to make or prepare statements on oath giving information on specified matters;

shall be bound to comply with his requirements notwithstanding anything in any law to the contrary. Failure to comply with the requirements of the said

authorised official may amount to an offence under Chapter X of the Indian Penal Code.

Name and designation of the Authorised Official	Date from which authorised	Address of the Headquarters office of the authorised official
1	2	3
Sbri G. Narayan Roa, Income-tax officer, Vizianagaram.	29-6-1954	Incometax office, Vizianagaram

NEW DELHI;
The 29th June 1954.

R. N. JAIN,
Secretary,
Income-tax Investigation Commission".
[No. 56.]

S.R.O. 2343.—The following notification by the Income-tax Investigation Commission is published for general information:

"NOTIFICATION

It is notified for general information that the Income-tax authority mentioned in column (1) of the table attached to this notice has been authorised with effect from the date mentioned in column (2) thereof by the Income-tax Investigation Commission, without prejudice to his regular duties, to be authorised official under section 6 of the Taxation on Income (Investigation Commission) Act, 1947, and that under the provisions of the said Act, any person (including a person whose case is not under investigation) who is required by the said authorised official in the course of the investigation:

- (1) to produce accounts or documents;
- and/or (2) to give information in respect of such accounts or documents;
- and/or (3) to attend in person and answer questions on oath;
- and/or (4) to make or prepare statements on oath giving information on specified matters;

shall be bound to comply with his requirements notwithstanding anything in any law to the contrary. Failure to comply with the requirements of the said authorised official may amount to an offence under Chapter X of the Indian Penal Code

Name and designation of the Authorised Official	Date from which authorised	Address of the Head quarters office of the Authorised Official
1	2	3
Shri S.R. Shukla, Incometax officer, Kanpur.	19.6.54	Office of the Authorised Official Income-tax Investigation Com- mission, 7/189, Swaroop Nagar, Kanpur.

NEW DELHI;
The 25th June 1954.

R. N. JAIN,
Secretary,
Income-tax Investigation Commission.

[No. 57.]
B. N. SAROBAR, Under Secy.

CUSTOMS

New Delhi, the 17th July 1954

S.R.O. 2344.—In exercise of the powers conferred by sub-section (1) of section 43-B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that a drawback shall be allowed in accordance with, and subject to, the provisions of the said section and any rules made thereunder, in respect of duty-paid foreign materials used in the manufacture of dry radio batteries when such batteries are manufactured in, and exported from, India or shipped as stores on board a ship proceeding to a foreign port.

[No. 67.]

S.R.O. 2345.—In exercise of the powers conferred by sub-section (3) of section 43-B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section, namely:—

1. *Short title.*—These rules may be called the Customs Duties Drawback (Dry Radio Batteries) Rules, 1954.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) 'the Act' means the Sea Customs Act, 1878 (VIII of 1878);

(b) 'manufacturer' means a manufacturer of dry radio batteries registered in accordance with the provisions under these rules;

(c) 'section' means a section of the Act.

3. *Goods in respect of which drawback may be paid.*—Subject to the provisions of the Act and these rules, a drawback shall be allowed in the case of dry radio batteries (hereinafter referred to as 'goods'), manufactured in, and exported from, India or shipped as stored for use on board a ship proceeding to a foreign port, in respect of imported duty-paid materials used in the manufacture of such goods.

4. *Period for which drawback admissible.*—A drawback under these rules shall be admissible for the period during which a notification in respect of the materials specified in rule 3 is in force under sub-section (1) of section 43-B.

5. *Registration of Manufacturer.*—(1) The drawback admissible under these rules shall apply only in respect of such goods as have been manufactured by a person who has, in accordance with the provisions of this rule, registered himself for such purpose.

(2) An application for registration shall be made by a manufacturer to the Chief Customs Authority, who may nominate a Chief Customs Officer (hereinafter be referred to as the nominated Chief Customs Officer), as the officer competent to register the manufacturer under sub-rule (1).

(3) Such application shall describe the specific brands or varieties of the goods in respect of which registration is desired, and shall, in respect of each such brand or variety furnish,—

(a) the description and quantity of different materials used in the manufacture of one thousand batteries; and

(b) the average amount of customs duty, based on the values and the rates of duty on importations during the preceding year, on such of these materials as are imported and are not duty-free, on the quantities referred to in the fore-going sub-clause.

(4) The nominated Chief Customs Officer may register the applicant as a manufacturer for the purpose of these rules, subject to the applicant executing a Bond for Rs. 1,000 or such increased amount as may be fixed, undertaking not to vary the composition or formula of any brand or variety of the goods, or the quantity of different imported materials used in their manufacture, without the prior permission of the nominated Chief Customs Officer.

(5) Any manufacturer found varying the formula or composition of dry radio batteries contrary to the undertaking furnished as prescribed in sub-rule (4), shall be liable to have his registration cancelled.

6. *Rate of Drawback.*—(1) The rate of drawback of duty admissible under these rules on the shipment of goods in the prescribed manner shall be $\frac{7}{8}$ ths of the average amount of customs duty paid on materials used in the manufacture of goods.

(2) Such rate shall be determined every 3 months on the basis of statements furnished by the registered manufacturer and verified by the nominated Chief Customs Officer of the value and duty paid on imported materials used in the manufacture of dry radio batteries during the preceding year or any longer period as the nominated Chief Customs Officer may deem convenient.

(3) Such rate of drawback shall be in force for a period of 3 calendar months beginning with the First of the month succeeding that in which the rate is so determined and shall apply to shipments made during that period from any port in India.

7. *Manner of allowing drawback.*—(1) A drawback shall be allowed on the shipment of the goods from any Customs port in India subject to the following conditions, namely:—

(a) the shipper of the goods shall make a declaration on the relative shipping bill—

- (i) claiming drawback under section 43B, and
- (ii) that to the best of his knowledge and belief, the composition of the goods and the proportion of the different imported duty-paid materials used in the manufacture of the goods have not been altered subsequent to the registration of the manufacturer save with the prior permission of the nominated Chief Customs Officer;

(b) the shipper shall, in the shipping bill, furnish, in addition to information required under section 29, such additional information as may, in the opinion of the Customs Collector, be necessary for the purpose of verifying the claim for the drawback and, in particular, the Customs Collector may require such additional information in respect of the following matters, namely:—

- (i) the description of the goods;
- (ii) the name of the manufacturer, registration number and the authority or officer with whom registered;
- (iii) the particulars of any brand or trade-mark attached to the goods;
- (iv) weight, voltage and like particulars in respect of the goods.

(2) No drawback shall be allowed on the export of any dry radio batteries in respect of which without the prior permission of the nominated Chief Customs Officer, the composition or formula has been varied contrary to the undertaking furnished as contemplated in sub-rule (4) of rule 5.

8. *Powers of Customs Collector.*—For the purpose of enforcing these rules the Chief Customs Officer or the Customs Collector may—

- (a) require a manufacturer to produce any books of accounts or other documents of whatever nature relating to the proportion and quantity of different materials used in the manufacture, and the value and duty paid on imported materials used in such manufacture;
- (b) require the production of such certificates, documents and other evidence in support of each claim for a drawback as may be necessary.

9. *Access to manufactory.*—An applicant for registration as a manufacturer under these rules or a manufacturer of goods in the case of which a drawback is claimed shall give access to every part of his manufactory to an officer of the Central Government specially authorised in this behalf by the Customs Officer, or by the Chief Customs Authority to enable such authorised officer to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 68.]

JASJIT SINGH, Dy. Secy,

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 10th July 1954

S.R.O. 2346.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922) and in partial modification of the Board's Notification No. 34-Income-tax, dated the 19th May 1954, the Central

Board of Revenue hereby directs that with effect from the afternoon of 27th June 1954 Shri D. N. Misra, Commissioner of Income-tax, shall perform his functions under the said Act also in respect of the areas comprised in the State of Madras, (excluding the area known as Fort Cochin in the Malabar District thereof) and in respect of such persons or such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Officer subordinate to him.

Provided that he shall not perform his functions in respect of such persons or such cases as have been or may be transferred by the Central Board of Revenue to any Income-tax Officer outside his jurisdictional area as aforesaid.

[No. 42.]

K. B. DEB, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

TEA CESS

New Delhi, the 13th July 1954

S.R.O. 2347.—In exercise of the powers conferred by sub-section (1) of Section 25 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce & Industry No. S.R.O. 1039, dated the 1st April 1954, namely:—

In the said notification—

for the words “on all tea exported outside India”, the words “on all tea exported or taken outside India” shall be substituted.

[No. 32(3)-Plant/54.]

R. N. KAPUR, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 6th July 1954

S.R.O. 2348.—In exercise of the powers conferred by Section 4 (5) (ix) of the Indian Lac Cess Act, 1930 (XXIV of 1930), the Central Government is pleased to nominate Mr. J. W. Webber of M/S. Gramophone Co. Ltd., Dum Dum, as a member of the Advisory Board of the Indian Lac Cess Committee *vice* Mr. George Clark resigned. Mr. Webber will hold office till the 30th Sep., 1956, under Rule 4 (b) of the Indian Lac Cess Rules, 1930.

[No. F3-11/54-Com.I.]

New Delhi, the 8th July 1954

S.R.O. 2349.—Shri K. Gopalan, Secretary, Indian Central Coconut Committee, Ernakulam, resumed charge of his post on 3rd July, 1954 (forenoon). The unexpired portion of leave sanctioned in this Ministry Notification of even number, dated the 5th July, 1954, is cancelled. Shri K. S. Ananthasubramony, officiating Secretary, Indian Central Coconut Committee, reverted to his substantive appointment from the 3rd July, 1954 (forenoon).

[No. F.21-21/54-Com.I.]

F. C. GERA, Under Secy.

(Agriculture)

New Delhi, the 12th July 1954

S.R.O. 2350.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), the Central Government hereby directs that the following further amendment shall be made in

the Tobacco Grading and Marking Rules, 1937, the same having been previously published as required by the said section, namely:—

In Schedule IV to the said Rules, after the grade designation CHD, the following grade designation and entries relating thereto shall be inserted, namely:

“CG	Wholly or partly green	Medium to coarse	2/16”
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[No. F.16-34/53-Dte.II.]

S. K. RAO, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 8th July 1954

S.R.O. 2351.—In pursuance of clause (7) of rule 2 of the Indian Aircraft (Public Health) Rules, 1946, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Health, No. F.2-24/50-PH(II), dated the 17th November, 1950, namely:—

In the said notification under the heading “CONTINENT OF SOUTH AMERICA” after “Dutch Guiana”, the following shall be added, namely:—

“British West Indies.”

[No. F.16-4/54-PH.]

N. B. CHATTERJI, Dy. Secy.

New Delhi, the 10th July 1954

S.R.O. 2352.—Dr. S. N. Mathur, M.B., B.S. (Hons.), M.S., F.R.C.S., University Road, Lucknow, has been duly re-elected as a member of the Medical Council of India under clause (c) of sub-section (I) of section 3 of the Indian Medical Council Act, 1933 (XXVII of 1933) with effect from 14th March 1954.

[No. F.5-13/53-MI.]

BABU RAM, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 1st July 1954

S.R.O. 2353.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby directs that the following amendment shall be made in the Evacuee Interest (Separation) Rules, 1951, namely:—

In the said Rules, after Rule 16, the following Rule shall be inserted namely:—

17(i). Where the composite property is in the possession of an allottee who is a displaced person, the competent officer may, on application made in this behalf by such allottee and with the consent of the Custodian, direct the sale of such property to the allottee at a price which shall not be less than the market value thereof as determined by the competent officer.

(2) The mode of payment by the allottee of the sale-price of such property shall be as follows:—

(i) as regards non-evacuee's share of the sale-price, the allottee shall pay to the competent officer such share in full immediately after the sale;

(ii) as regards the evacuee's share of the sale price,—

(a) if no compensation in respect of a claim under the Displaced Persons (Claims) Act, 1950 is due to the allottee, he shall pay to the competent officer fifty per cent. of such share immediately after the sale and the balance together with interest thereon at the rate of 3½ per cent. to the Custodian in two equal annual instalments;

- (b) if any compensation in respect of a claim under the Displaced Persons (Claims) Act, 1950 is due to the allottee, the full amount of such compensation calculated according to the Interim Scale shall be deducted out of such share and the allottee shall pay to the Custodian the balance, if any, of such share together with interest thereon at the rate of $3\frac{3}{4}$ per cent. in 2 equal annual instalments.

[No. 152(97)/53-Prop.]

P. G. ZACHARIAH, Dy. Secy.

New Delhi, the 10th July 1954

S.R.O. 2354.—In exercise of the powers conferred by sub-section (I) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government is pleased to appoint the following persons as Settlement Officers for the purpose of performing the functions assigned to them by or under the said Act, with effect from the dates shown against each:—

- | | |
|----------------------------------|------------------|
| (1) Shri H. C. Hans | 26-5-1954 (F.N.) |
| (2) Shri S. P. Passy | 19-5-1954 (F.N.) |
| (3) Shri M. L. Aggarwal | 19-5-1954 (F.N.) |
| (4) Shri Y. R. Ahuja | 22-5-1954 (F.N.) |
| (5) Shri Bhagwan Das Sugna Singh | 24-5-1954 (F.N.) |
| (6) Shri Rupchand Assanmal | 27-5-1954 (F.N.) |

[No. 2-A(8)/Admn./53.]

S.R.O. 2355.—In exercise of the powers conferred by sub-section (I) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government is pleased to appoint the following Settlement Officers to act as Additional Settlement Commissioners for the purpose of performing the functions assigned to them by or under the said Act, with effect from the 1st June 1954:—

- (1) Shri I. D. Chowdhary.
- (2) Shri Bhagchand G. Chhugani.
- (3) Shri R. K. Chaudhary.
- (4) Shri D. L. Bhalla.

[No. 2-A(8)/Admn./53.]

N. C. SHRIVASTAVA, Joint Secy.

MINISTRY OF COMMUNICATIONS

(Posts & Telegraphs)

CORRIGENDUM

New Delhi, the 6th July 1954

S.R.O. 2356.—In this Ministry's Notification No. S.R.O. 1780, dated the 28th April, 1954, published in Part II, Section 3 of the *Gazette of India*, dated the 29th May, 1954, the following additions and alterations shall be made:—

Para 13—Insert the following as an additional clause.

“(e) obtained the B. E. (Telecommunication) degree awarded by Indian Universities”.

Para. 7(a)—For “rule 16” substitute “rule 17”.

Appendix III, para. 1 Note 2—For “If” substitute “In”.

[No. STA.10-1/54.]

V. M. BHIDE, Dy. Secy.

ORDER

New Delhi, the 10th July 1954

S.R.O. 2357.—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts for a further period up to the 31st December 1954, all persons in charge of aircraft engaged in international navigation, from the operation of clause (V) of sub-rule (2) of rule 7 of the said Rules, in so far as it requires such persons to carry in the said aircraft, the aircraft and engine log books subject to the condition that the working copies of the aforesaid documents are carried in the said aircraft.

[No. 10-A/45-54.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 12th July 1954

S.R.O. 2358.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby directs that the following further amendments shall be made in the Calcutta Port Rules, published with the Notification of the Government of India in the late War Transport Department No. 9-P(19)/42, dated the 3rd December 1943, the same having been previously published as required by sub-section (2) of the said section, namely:—

In the said Rules—

1. For rule 100, the following rule shall be substituted, namely:—

"100. *Restriction on movement*—

No petroleum vessel shall proceed above Budge Budge with—

- (a) dangerous petroleum;
- (b) non-dangerous petroleum which is not intended for discharge at the petroleum berth in King George's Dock:

Provided that this rule shall not apply to—

- (i) a recognised wagon ferry;
- (ii) a vessel licensed under rule 113 following a route approved by the Deputy Conservator;
- (iii) a vessel proceeding into dry dock in accordance with rule 118."

2. To rule 107, the following proviso shall be added, namely:—

"Provided that heavy petroleum otherwise than in bulk may be landed in any quantity at the docks or jetties or discharged overside into boats, lighters under the conditions specified in sub-clauses (i) and (ii) of clause (c)."

[No. 9-PI(12)/54.]

K. NARAYANAN, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 10th July 1954

S.R.O. 2359.—In exercise of the powers conferred by section 47 of the Indian Railways Act, 1890 (IX of 1890), read with the Notification of the Government of India in the late department of Commerce and Industry, No. 801, dated the 24th March, 1905, the Railway Board hereby directs that the following further amendment shall be made in the General Rules for all open lines of Railways in India,

published with the Notification of the Government of India in the late Railway Department (Railway Board), No. 1078-T, dated the 9th March, 1929, namely:—

In the Schedule appended to Part III of the said rules, for the entries relating to Serial No. 45, the following entries shall be substituted, namely:—

1	2	3	4	5
45	Battery Charging solution (Acid).	1. In carboys at Owner's risk only. 2. In bottles in cases or hampers. 3. In jars at Owners' risk only.	..	Special labelling Regulations Label for 'B' traffic.
	Battery charging solution (Alkali) (Potash & Lithia solution).	1. Must be well secured in stoneware jars, or glass-stoppered bottles, standing upright in cases; the inside packing of these cases must be of straw chaff or saw dust mixed with coal, wood ashes, chalk or sand. 2. In drums.	Must not be carried in the brakevan of mixed trains.	Keep far apart from Food-stuffs and Food-stuff empties

[No. 1388-T.G.]

RANJIT SINGH

Director, Traffic (Transportation).

MINISTRY OF WORKS, HOUSING AND SUPPLY

Central Boilers Board

New Delhi, the 8th July 1954

S.R.O. 2360.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following amendment shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely:—

In Regulation 382 of the said Regulations, after the entry relating to 'Travancore-Cochin', the following entry shall be inserted, namely:—

'Andhra.....A.N.'

[No. BL-304(22)/53.]

M. N. KALE, Secy.

New Delhi, the 8th July 1954

S.R.O. 2361.—The following draft of a rule which it is proposed to make in exercise of the powers conferred by section 4, sub-section (2) of section 5, sub-section (2) of section 14, sections 21 and 22 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied by the Notification of the Government of Assam No. TAD/L/4/51, dated the 27th January, 1953 to those areas of the United Khasi-Jaintia Hills District which were known as the Khasi States immediately before the commencement of the Constitution of India, is published as required by sub-section (2) of section 29 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken on or after the 23rd August, 1954.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT RULES

The Petroleum Rules, 1937, shall extend to and have effect in so much of the areas of the United Khasi-Jaintia Hills District as were known as the Khasi States immediately before the commencement of the Constitution:

Provided that the said Rules in their application to the said areas shall be subject to the same exceptions and modifications as they are subject to in the rest of the areas of the said United Khasi-Jaintia Hills District.

[No. S&PII-102(44) (i)/51.]

S.R.O. 2362.—The following draft of a rule which it is proposed to make in exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), as applied by the Notification of the Government of Assam No. TAD/L/4/51, dated the 27th January, 1953, to those areas of the United Khasi-Jaintia Hills District which were known as the Khasi States immediately before the commencement of the Constitution of India, is published as required by section 18 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 23rd August, 1954.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT RULES

The Explosives Rules, 1940, shall extend to and have effect in so much of the areas of the United Khasi-Jaintia Hills District as were known as the Khasi States immediately before the commencement of the Constitution:

Provided that the said Rules in their application to the said areas shall be subject to the same exceptions and modifications as they are subject to in the rest of the areas of the said United Khasi-Jaintia Hills District.

[No. S&PII-102(44) (ii)/51.]

New Delhi, the 13th July 1954

S.R.O. 2363.—In exercise of the powers conferred by sub-section (1) of section 14 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby directs that the following further amendments shall be made in the Notification of the Government of India in the late Department of Industries and Labour, No. M-826(2), dated the 22nd March, 1937, namely:—

In the Schedule to the said notification,—

(1) for item 11, the following item shall be substituted, namely:—

II All officers of the Bombay and Boroda Central Excise Departments not lower in rank than that of an Inspector.	Ports in the State of Bombay, other than city of Bombay and in the States of Saurashtra and Cutch"; and
--	---

(2) item 18 shall be omitted.

[No. S&PII-104(1)/54.]

J. K. ROY, Under Secy.

MINISTRY OF PRODUCTION

New Delhi, the 12th July 1954

S.R.O. 2364.—It is hereby notified for general information that Shri M. L. Shome, a member of the Coal Board, established under Section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952) has also been appointed as Chief Mining Engineer and Secretary of the said Board.

[No. 18-CI(1)54.]

S.R.O. 2365.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952), the Central Government hereby appoints Shri S. V. M. Sundram, Deputy Coal Commissioner (Distribution), to be a Member of the Coal Board with immediate effect.

[No. 19-CI(1)/54.]

A. NANU, Dy. Secy.

REGISTRAR JOINT STOCK COMPANIES

NOTICES

Salem, the 29th June 1954

FORM V

NOTICE PURSUANT TO SECTION 247(5)

In the matter of the Pennagaram Saraswathi Motor Service Limited

S.R.O. 2366.—With reference to the notice dated 13th March, 1954, published on pages 609 of Part II of the *Gazette of India*, dated 27th March, 1954, the above company not having shown cause to the contrary within the time fixed the name of the company has under section 247(5) of the Indian Companies Act, 1913, been struck off the register.

[No. K/Ref.]

A. J. AZARIAH,

Asstt. Registrar of Joint Stock Companies, Salem.

Madras, the 5th July 1954

NOTICE PURSUANT TO SECTION 172(2)

In the matter of the Indian Companies Act, 1913 and the Cuddalore Construction Company Limited

S.R.O. 2367.—By an order, dated the Nineteenth day of April, 1954 in O.P. No. 374 of 1953 of the High Court of Judicature at Madras, "Cuddalore Construction Company Limited" was ordered to be wound up by the said court, under the provisions of the Indian Companies Act, 1913.

[No. K.1379/54.]

V. V. RANGANATHAN,

Asstt. Registrar of Joint Stock Companies, Madras City.

Coimbatore, the 5th July 1954

In the matter of the Indian Companies Act, 1913 and the Tiruppur Gunny Traders Limited

S.R.O. 2368.—With reference to the notice dated 11th March, 1954, published on page 607 of Part II, Section 3 of the *Gazette of India*, dated 27th March, 1954, the above company not having shown cause to the contrary within the time fixed the name of the company has, under section 247(5) of the Indian Companies Act, 1913, been struck off the register.

[No. 4590-K.]

NOTICE PURSUANT TO SECTION 247(3)

In the matter of the Indian Companies Act, 1913 and the Blumont Auto Service Limited

S.R.O. 2369.—Whereas on the resignation of Sri A. M. R. Kalingarayar, the above company is not having any director;

And whereas letters addressed to the company at its registered office, either remain unanswered or are returned undelivered;

And whereas it appears accordingly that the company is not carrying on business or is not in operation;

Notice is here given pursuant to section 247(3) of the Indian Companies Act, 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the said company will be struck off the register and the said company will be dissolved.

[No. 4764-K.]

In the matter of the Indian Companies Act, 1913 and the Parco Engineering Works Limited

S.R.O. 2370.—With reference to the notice dated 11th March, 1954, published on page 607 of Part II, Section 3 of the *Gazette of India*, dated 27th March, 1954, the above company not having shown cause to the contrary within the time fixed the name of the company has, under section 247(5) of the Indian Companies Act, 1913, been struck off the register.

[No. 916-K.]

R. SRINIVASAN,
Asstt. Registrar of Joint Stock Companies, Coimbatore.

Sambalpur, the 5th July 1954

In the matter of Indian Companies Act, 1913 and Prachi Farms Ltd., Bakharabad, Cuttack.

S.R.O. 2371.—As the notices U/S. 247 (1) & (2) of the Indian Companies Act, 1913 sent to the registered office of the Company at Bakharabad, Cuttack remain unanswered, it appears that the Company is neither carrying any business nor is in operation.

The notice in pursuance of Section 247 (3) of the Indian Companies Act, 1913 is, therefore, given that the name of the Company will be struck off after three months from the date of issue of this notice unless cause is shown to the contrary.

[No. 717/JSC-40/54.]

Sambalpur, the 6th July 1954

In the matter of the Indian Companies Act, 1913 (VII of 1913) and the Mayurbhanj Bus Service Limited

S.R.O. 2372.—Steps having been taken under sub-sections (1), (2) and (3) of section 247 of the Indian Companies Act, 1913 and whereas communications addressed to the above company are returned by the Post Office undelivered, it appears that the company is not carrying on business or is not in operation, the Mayurbhanj Bus Service Limited is therefore struck off the Register under section 247(5) of the said Act under orders of the Registrar of Joint Stock Companies, Orissa, dated the 19th June, 1954.

[No. 722/JSC.29/54.]

S. N. MISRA,
Assistant Registrar of Joint Stock Companies, Sambalpur.

Bombay, the 5th July 1954

In the matter of the Indian Companies Act, VII of 1913 and of the Lala Tandon Company Limited.

S.R.O. 2373.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the Lala Tandon Company Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 8186.]

In the matter of the Indian Companies Act, VII of 1913 and of the Central Motor Repowering Company Ltd

S.R.O. 2374.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the Central Motor Repowering Company Ltd., will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 8094.]

In the matter of the Indian Companies Act, VII of 1913 and of the Mohanlal Adhikari Limited

S.R.O. 2375.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the Mohanlal Adhikari Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 5529.]

In the matter of the Indian Companies Act, VII of 1913 and of the Vinchurkar Industries Limited

S.R.O. 2376.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the Vinchurkar Industries Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 6741.]

In the matter of the Indian Companies Act, VII of 1913 and of the Messrs. J. B. Sparks Limited

S.R.O. 2377.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the J. B. Sparks Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 8827.]

In the matter of the Indian Companies Act, VII of 1913 and of the Chemchar Limited

S.R.O. 2378.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the Chemchar Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 9218.]

In the matter of the Indian Companies Act, VII of 1913 and of the Urban Agencies Limited

S.R.O. 2379.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act, VII of 1913, that at the expiration of three months from the date hereof the name of the Urban Agencies Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 4565.]

In the matter of the Indian Companies Act, VII of 1913 and of the New Era Publications Limited

S.R.O. 2380.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act, VII of 1913, that the name of the New Era Publications Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 3629.]

In the matter of the Indian Companies Act, VII of 1913 and of the Chandivali Dairy Company Limited

S.R.O. 2381.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act VII of 1913 that the name of the Chandivali Dairy Company Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 4029.]

In the matter of the Indian Companies Act, VII of 1913 and of the Modern India Pictures Limited

S.R.O. 2382.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act VII of 1913, that at the expiration of three months from the date hereof the name of the Modern India Pictures Limited, will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 2478.]

In the matter of the Indian Companies Act, VII of 1913 and of the A. Peterson and Company Limited

S.R.O. 2383.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act VII of 1913 that the name of the A. Peterson and Company Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 4725.]

Bombay, the 6th July 1954

In the matter of the Indian Companies Act VII of 1913 and of the General Corporation Limited

S.R.O. 2384.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act VII of 1913 that the name of the General Corporation Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 7742.]

In the matter of the Indian Companies Act VII of 1913 and of the Mayekar & Company Limited

S.R.O. 2385.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act VII of 1913 that the name of the Mayekar & Company Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 6162.]

In the matter of the Indian Companies Act VII of 1913 and of the J. D. Framji & Co. Ltd

S.R.O. 2386.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act VII of 1913 that the name of the J. D. Framji & Co. Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 8101.]

T. J. GONDHALEKAR,
Registrar of Companies, Bombay.

Kozhikode, the 7th July 1954

NOTICE PURSUANT TO SECTION 247(5)

In the matter of the Indian Companies Act, 1913, and Janahita Printing and Publishing Company, Limited

S.R.O. 2387.—With reference to the notice, dated 22nd March 1954 published on page 645, Part II, Section 3 of the *Gazette of India*, dated 3rd April 1954, the above company not having shown cause to the contrary within the time fixed, the name of the company has, under Section 247(5) of the Indian Companies Act, 1913, been struck off the register.

K. K. SYED MOHAMMAD, Asstt. Registrar,
Joint Stock Companies, Kozhikode.

Erode, the 8th July 1954

NOTICE PURSUANT TO SECTION 247(3)

In the matter of the Indian Companies Act, 1913 and the Dharapuram Labour Transports Limited

S.R.O. 2388.—Whereas it is reported that the Dharapuram Labour Transports Limited is not carrying on business or is not in operation.

Notice is hereby given, pursuant to Section 247(3) of the Indian Companies Act 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the said company will be struck off the register and the said company will be dissolved.

NOTICE PURSUANT TO SECTION 247(3)

In the matter of the Indian Companies Act, 1913, and the Erode General Trades Limited

S.R.O. 2389.—Whereas communications addressed to the Erode General Trades Limited at its registered office remain unanswered.

And whereas at the time of a visit on the 30th of March 1954 there was no trace of the company at its registered office.

And whereas it appears accordingly that the Erode General Trades Limited is not carrying on business or is not in operation.

Notice is hereby given, pursuant to Section 247(3) of the Indian Companies Act 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the said company will be struck off the register and the said company will be dissolved.

S. RAMAMIRTHAM, Asstt. Registrar,
Joint Stock Companies, Erode.

Trivandrum, the 9th July 1954

In the matter of the Indian Companies Act, 1913 and in the matter of the Travancore International Bank Ltd. (In liquidation)

S.R.O. 2390.—Notice is hereby given that the name of the Travancore International Bank Ltd. (In liquidation), Chengannur, has this day been struck off the Register under Section 247 of the Indian Companies Act, 1913, and that the Company is dissolved.

[No. L1903/54.]

P. J. VERGHESE, Registrar,
Joint Stock Companies, Travancore-Cochin.

MINISTRY OF LABOUR

New Delhi, the 8th July 1954

S.R.O. 2391.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section

33A of the said Act from Shri Santilal M. Bhatt, a workman of the Sendra Bansjora Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 251 of 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act 1947.

PRESENT:

Shri L. P. Dave, B.A.L.L.B., *Chairman.*

PARTIES:

Santilal M. Bhatt, Driver Sendra Bansjora Colliery Co. Ltd., P. O. Bansjora (Manbhum) represented by Bihar Colliery Mazdoor Sangh, Opp. Imperial Bank of India, Dhanbad—*Complainant.*

VS.

The Agent, Sendra Bansjora Colliery Co. Ltd., P. O. Bansjora (Dt. Manbhum), Bihar—*Opposite party.*

APPEARANCES:

Shri Kanti Mehta, General Secretary, Bihar Colliery Mazdoor Sangh, Opp. Imperial Bank of India, Dhanbad—*For the Complainant.*

Shri L. J. Pathak, Labour Officer, The Sendra Bansjora Colliery Co. Ltd., P. O. Jharia, Manbhum, Bihar—*For the Opposite party.*

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952, he was dismissed by the opposite party from 14th July 1953 without obtaining the express permission of the Tribunal. He therefore claimed reinstatement with full wages for the period of involuntary idleness.

3. The opposite party contended that the complainant purchased a lorry in June 1953 and started plying it on hire as a side business and since then he was not paying proper attention to his duties and was seriously neglecting them. The opposite party drew his attention to this and asked him to perform his duties properly. The complainant took a resentful attitude and asked to be relieved of his duties. Thereupon the opposite party accepted the resignation and offered him a month's pay by giving him a notice. It was therefore urged that the complainant should be dismissed.

4. At the hearing before me, the parties produced a memorandum of compromise entered into between them. Under the compromise, it is agreed that the complainant would be reinstated in his original post from the date of the agreement and that he would be paid four months' wages with proportionate bonus, proportionate leave, wages and other proportionate privileges and also that the period of his absence would not affect the continuity of his service but that it would be treated as leave without pay. In my opinion, the compromise is fair and reasonable, as it provides for complainant's being reinstated and being paid part of his wages with proportionate privileges for the period of his idleness.

I therefore pass my award in terms of the compromise, a copy of which is attached herewith.

The 26th June 1954.

(Sd.) L. P. DAVE, Chairman.

Central Government's Industrial Tribunal, Dhanbad.

MEMORANDUM OF COMPROMISE

**BEFORE THE CHAIRMANS' CENTRAL GOVT.'S INDUSTRIAL TRIBUNAL
DHANBAD**

In the matter of Application No. 251 of 1953, U/S 33A of the I. D. Act 1947.

AND

Shri Shantilal M. Bhatt—*Complainant.*

VS.

Agent, Sendra Bansjora, Colliery Co. Ltd.—*Opposite party.*

The humble petition on behalf of the parties above named: states as follows:

That the above matter has been compromised between the parties on the following terms:—

1. That the applicant will be paid four months' wages with proportionate bonus, proportionate leave wages and other proportionate privileges.

2. That the applicant will be reinstated in his original post from the date of this agreement, viz. 22nd June 1954.

3. That the period of absence from 14th July 1953 to 22nd June 1954 will be treated as leave without wages and his continuity of service will not be affected.

It is therefore prayed that the above matter may be disposed of on the terms aforesaid. And for this, your petitioners shall as in duty bound, ever pray.

(Sd.) SHANTILAL M. BHATT,

(in Gurajati).

The 22nd June 1954.

(Sd.) L. J. PATHAK, Labour Officer,
Sendra Bansjora Colliery.

The 22nd June 1954.

(Sd.) KANTI MEHTA, General Secretary,
Bihar Colliery Mazdoor Sangh.

The 22nd June 1954.

Filed.

(Sd.) L. P. DAVE, Chairman,
Central Govt. Industrial Tribunal, Dhanbad.

The 22nd June 1954.

[No. IR.2(365).]

S.R.O. 2392.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from the General Secretary, Coal Workers' Union, Giridih, on behalf of five workmen of certain Railway Collieries.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 272 of 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act 1947.

PRESENT:

Shri L. P. Dave, B.A.L.L.B.—*Chairman*.

PARTIES:

General Secretary, Coal Workers Union, Giridih, on behalf of 1. Muslim Meah, 2. Md. Hussain, 3. Abdul Meah, 4. Khurshid Meah and 5. Basarat Meah—*Complainants*.

VS.

1. Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta.
2. Superintendent of Collieries, Giridih, Dist. Hazaribagh—*Opposite parties*.

APPEARANCES:

Shri Hari Sinha, Assistant Secretary, Coal Workers Union, Barwadh, Giridih, Dist. Hazaribagh—*For the Complainants*.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite parties*.

AWARD

This is a complaint filed by the General Secretary of the Coal Workers Union on behalf of the five workmen mentioned therein alleging that the workmen concerned were dismissed from service during the pendency of Reference No. 6 of 1952 without obtaining the permission of this Tribunal.

2. The opposite party raised a preliminary objection that the complaint was not maintainable as it was not made by the aggrieved workmen.

3. Section 33A of Industrial Disputes Act lays down that where an employer contravenes the provisions of Section 33 during the pendency of proceedings before a Tribunal, an employee aggrieved by such contravention may make a complaint in writing to the Tribunal about it. In other words, section 33A authorises an aggrieved workman (and none else) to make a complaint before a Tribunal. If a complaint is made by someone else, it would not be maintainable.

4. The present complaint was made by the General Secretary, Coal Workers Union, on behalf of the five workmen and was signed by one Mahendra Nath Bharati as the General Secretary of the said Union. Shri Mahendra Nath Bharati was not authorised by the aggrieved workmen to file the complaint or to represent them. No such authority has been produced before me. On the contrary, at the time of hearing, Shri Hari Sinha appeared before me on behalf of the workmen with an authority from them. That would mean that the workmen had authorised Shri Sinha and not Shri Mahendra Nath Bharati to represent them. The complaint is filed by Mahendra Nath Bharati, who had no authority from the workmen. That being so, the complaint is not maintainable, and is dismissed.

I pass my award accordingly.

The 25th June 1954.

(Sd.) L. P. DAVE, *Chairman*,

Central Government's Industrial Tribunal, Dhanbad.

[No. IR.2(365)/II.]

S.R.O. 2393.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Panchu Bhuia, a workman of the Gaslitan Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 290 OF 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act 1947.

PRESENT:

Shri L. P. Dave, B.A.L.L.B.—*Chairman*.

PARTIES:

Shri Panchu Bhuia, Gaslitan Colliery, P. O. Sijua, Dist. Manbhum—*Complainant*.

VS.

The Manager, Gaslitan Colliery, P. O. Sijua, Dist. Manbhum—*Opposite party*.

APPEARANCES:

No appearance on behalf of the Complainant.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader Dhanbad—*For the Opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952 to which the management of the Gaslitan Colliery was a party, they withheld the free rice of the complainant without the express permission in writing from the Tribunal and thereby violated Section 33 of the Industrial Disputes Act. He therefore prayed that the opposite party should be ordered to issue the rice withheld by him.

3. The opposite party contended that the complaint was vague; that the rice for the colliery was supplied to it by the Government through Indian Mining Association Food Supply Pool, and that the opposite party had no control on the quantity or quality or price of foodstuffs. He further urged that in the first week of April 1953 the rice that was supplied to them was inferior in quality and as

they anticipated labour trouble, they informed the Additional Deputy Commissioner about it. The opposite party also explained the position to the workmen of the colliery including the complainant and tried to persuade them to draw their ration but some agitators encouraged the workmen to cause trouble. On 14th April 1953 the opposite party notified to the workmen that the ration if not taken by them would lapse. A meeting was held on 17th April 1953 between the opposite party, the Additional Deputy Commissioner, the Conciliation Officer, the Assistant Rationing Officer, Shri Sharma representing the labourers and others, where it was agreed that good quality of rice should be supplied as basic ration and inferior quality of rice should be supplied as free ration. It was also agreed that if any labourer refused his free ration of inferior quality rice, that ration should be considered to have lapsed. The complainant drew his basic ration but refused the free ration and this was a voluntary refusal by him and he could not make a grievance of it. The opposite party has not committed a breach of Section 33. It was therefore prayed that the complaint should be dismissed.

4. At the hearing before me, the complainant was not present nor did any one appear on his behalf. There is nothing to show that the opposite party withheld the supply of free rice to the complainant. The papers produced by the opposite party show that the rice supplied to them by Government in April was of inferior quality. This rice was offered to the workmen as free rice and good quality was offered as basic rice. The opposite party had no control over the quality of the rice because it was supplied to them by Government. The opposite party informed the Additional Deputy Commissioner of the fact that inferior quality of rice was supplied to them. It also issued a notice to the workmen that if they did not draw the rations for any week, the same would lapse. The complainant appears to have drawn the good quality rice as his basic ration but refused the free rice because it was not of good quality. The opposite party did offer free rice to the complainant. The rice so offered was supplied to it by the Government through the Indian Mining Association pool, that is, it could not be said that the opposite party was responsible for the inferior quality of rice. The complainant's refusal to draw the free rice offered to him would not mean that the opposite party had withheld the supply of free rice. In other words, there was no breach of Section 33 of the Industrial Disputes Act by the opposite party. That being so, the complaint fails and is dismissed.

I pass my award accordingly.

The 25th June 1954.

(Sd.) L. P. DAVE, Chairman,
Central Government's Industrial Tribunal, Dhanbad.
[No. LR.2(365)/III.]

S.R.O. 2394.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Harbansh Singh, Overman of the West Bokaro Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 367 of 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act 1947.

PRESENT:

Shri L. P. Dave, B.A.L.L.B.—*Chairman*.

PARTIES:

Shri Harbansh Singh, Overman, West Bokaro Colliery, P. O. Ghatotand,
Dist. Hazaribagh—*Complainant*.

VS.

Management of West Bokaro Colliery, Managing Agents: M/S. Anderson
Wright & Co., P.O. Ghatotand, Dist. Hazaribagh—*Opposite party*.

APPEARANCES:

Shri Balaram Roy, General Secretary, West Bokaro Colliery Workers Union,
P. O. Ghatotand, Dist. Hazaribagh—*For the Complainant.*

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite party.*

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952 the opposite party appointed one Daroga Singh, who was junior to the complainant, as Assistant Traffic Foreman in an illegal and partial manner and thereby changed the service conditions of the complainant without obtaining the permission from this Tribunal. It was urged therefore that the proper orders should be passed on this complaint.

3. The opposite party contended that the complainant was not a workman and hence this complaint was not maintainable. It further contended that though Daroga Singh was appointed subsequent to the complainant, he was promoted as Assistant Traffic Foreman on account of his competency and in the best interests of the company and that the company acted *bona fide* in the matter. It was urged therefore that the complaint should be dismissed.

4. It is not in dispute that the complainant was appointed as overman from 1st May 1950 on a pay of Rs. 45 per month, and that Daroga Singh was appointed also as an overman from 25th May 1951 but he was started on a salary of Rs. 50 per month. It appears that on 1st May 1953, his designation was changed to that of an Assistant Traffic Foreman without any change in his pay. The complainant's allegation is that his service conditions were changed (during the pendency of Reference No. 6 of 1952) by a person who was junior to him, being appointed as Assistant Traffic Foreman.

5. The opposite party has raised a preliminary objection that the complainant is not a workman and hence the present complaint would not be maintainable. Admittedly the complainant was working as an overman. Neither party has led any evidence in the present case as to what are the duties of an overman and what were the duties of the complainant. There is thus nothing to show that the complainant had to do any manual or clerical work.

6. I had occasion to consider the duties of an overman in the case of Amlabad Colliery and their workmen in Reference No. 35 of 1951. My award in that case has been published in the *Gazette of India*, Part II, Section 3, dated 9th May 1953 at page 586. I have considered the duties of an overman at some length in that case and come to the conclusion that an overman has not to perform any manual or clerical work and as such is not a workman. As I said above, there is no evidence in the present case to show that the complainant had to do manual or clerical work. I therefore hold that the complainant is not a workman as defined in the Industrial Disputes Act and so the present complaint would not be maintainable.

7. On merits also, I think that the complaint would fail. The complainant's grievance is that the opposite party appointed a person, who was junior to him, as Assistant Traffic Foreman and thereby his service conditions were changed. It appears that Daroga Singh joined service about a year after the complainant. His designation was changed to that of an Assistant Traffic Foreman from 1st March 1953. This however would not necessarily mean that Daroga Singh was given a promotion; because his pay as Assistant Traffic Foreman continued to be the same as he was getting as an overman. The complainant's own statement produced with his reply dated 27th October 1953 shows that Daroga Singh was "re-designated" as Assistant Traffic Foreman on the same pay which he was getting as an overman. It does not mention that he was promoted to a higher post.

8. Assuming however that this amounted to promotion, the complainant cannot make a grievance of it. The question of promotion is a management's function and the management are entitled to use its own judgment in making promotions. Nobody could claim promotion as of right nor could it be said that seniority in service by itself necessarily entitled a person to promotion. The management are entitled to consider competency, efficiency, etc. in making promotions. If they feel that a junior person is more fitted to a particular job, they would be entitled to promote him to that job, provided of course there was no want of *bona fides*. There is nothing to show that the opposite party did not act *bona*

fide in the matter. There is nothing to show as to why they showed special favour to Daroga Singh. Actually we find that from the beginning, he was started on a higher salary than the complainant. As I mentioned above, the complainant was appointed on a salary of Rs. 45 per month and has been drawing that salary all along. Daroga Singh was appointed on a salary of Rs. 50 per month from the very beginning. This would mean that Daroga Singh must have better qualifications and must have been more efficient and competent; and if he was promoted before the complainant, it could not be said that there was want of *bona fides* on the part of the management. I would go further and say that the fact that Daroga Singh was getting a higher salary would make him senior to the complainant, because seniority does not depend merely on length of service. Daroga Singh got a higher salary before the complainant and the management could consider him senior to the complainant. On the whole, I think that the opposite party had not committed any breach of Section 33 of the Industrial Dispute Act by re-designating Daroga Singh as an Assistant Traffic Foreman or by promoting him to that post.

In the result the complaint fails and is dismissed.

I pass my award accordingly.

The 26th June 1954.

(Sd.) L. P. DAVE, Chairman,
Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/IV.]

S.R.O. 2395.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Harakh Narayan Lal, overman-in-charge of the Dhori Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 210 OF 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act 1947.

PRESENT:

Shri L. P. Dave, B.A.L.L.B.—*Chairman*.

PARTIES:

Shri Harakh Narayan Lal, Overman-in-Charge of Dhori Colliery, P. O. Berno, Dt. Hazaribagh—*Complainant*.

VS.

Management of Dhori Colliery, Managing Agents: M/S. Anderson Wright & Co., 7, Wellesley Place, Calcutta—*Opposite party*.

APPEARANCES:

Shri Harakh Narayan Lal—*complainant, in person*.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite party*.

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that he had been dismissed illegally and wrongfully by the opposite party during the pendency of Reference No. 6 of 1952 in contravention of Section 33 of the Industrial Disputes Act.

3. The opposite party urged that the complainant was an overman and as such not a workman. They further urged that on 1st September 1952 he reported incorrectly the raisings, as a result of which the company had to pay more and undue wages to the coal raisers. The complainant was served with a charge-sheet and an enquiry was held and he was found guilty. As it was his first offence, he was served with a warning. The complainant again submitted an incorrect raising report on 25th December 1952. He was served with a charge sheet and his explanation was found unsatisfactory, and he was therefore dismissed.

4. It is an admitted fact that the complainant was working as an Overman in Dhori Colliery belonging to the opposite party. He was dismissed on 29th December 1952 when Reference No. 6 of 1952 was pending before this Tribunal. As the opposite party did not obtain the express permission of this Tribunal before doing so, they are said to have committed a breach of Section 33 of the Industrial Disputes Act and hence this complaint.

5. A preliminary objection was raised by the opposite party that the complainant was not maintainable. The complainant was admittedly working as a Overman. The duties of an Overman are supervisory and do not involve manual or clerical work. I have considered the duties of an Overman in my award relating to Amlabad Colliery in Reference No. 35 of 1951. My award in that case has been published in the *Gazette of India*, Part II, Section 3, at page 586, where I have considered the question at length, and held that an Overman has not to do manual or clerical work and is therefore not a workman as defined in the Industrial Disputes Act. No evidence has been produced before me to show that the duties of the complainant involved manual or clerical work. I therefore hold that the complainant was not a workman and hence the present complaint would not be maintainable.

6. Even if the complaint was maintainable, I think that it must fail on merits. One of the duties of the complainant was to submit a daily report of coal raised during the shift he was on duty. On 25th December 1952 he submitted a report that the raising of coal in the first shift was 22 tubs, whereas actually it was only 12 tubs. He was served with a charge sheet and his explanation thereto was that on that day he was all along engaged in supervising the wagon loading and that one Kunja Gossai was looking after the underground work and that Kunja Gossai told him that the raising was 22 tubs and accordingly in good faith the complainant made out a report about the raising being 22 tubs. In other words, it is admitted by the complainant that the raising report made by him was incorrect. He however said that he did it in good faith according to what he was told by another Overman, because he was actually working on that day in supervising the wagon loading. This allegation of the complainant (that he was supervising the wagon loading) is not correct, as can be seen from the fact that he has made a report of the daily examination of the working of mine as required by Rule 70 of the Coalmine Regulations. This report shows that he had gone underground that day and examined the conditions of mine and found them to be satisfactory. His allegation therefore that he was supervising the wagon loading all along on 25th December 1952 is not correct. Further even if he had not personally supervised the raising of coal, it was his duty, before making a report, to have verified the actual raising. He did not do so. On a previous occasion also, he had made an incorrect report about the raising. In the circumstances, I think that the charge against the complainant was proved and that the opposite party was entitled to dismiss him. On merits also, the complainant would not be entitled to any relief.

7. I may lastly mention that during the pendency of the present complaint before this Tribunal, the complainant passed a receipt (on 14th January 1954) to the opposite party admitting that he had received all his dues in full and final settlement of his claim and that he did not claim reinstatement. He also mentioned therein that he had vacated the company's quarters, which were in his occupation till then. In this connection, I may point out that on 24th September 1953 the complainant had sent an application to this Tribunal stating that he was being harassed by the opposite party by threatening him that they would cut off the electric and water connections of the room occupied by him and requesting that the opposite party should be stopped from doing so. It was some months after this that he passed the above receipt mentioning that he had vacated the room and that his dues were paid to him in full and that he was not claiming reinstatement. This receipt also would show that the complainant cannot now claim reinstatement.

On the whole, the complaint fails and is dismissed. I pass my award accordingly.

The 25th June 1954.

(Sd.) L. P. DAVE, Chairman,
Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/V.]

New Delhi, the 13th July 1954

S.R.O. 2396.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Saraswatia Kolin and Meghia-Kolin, workmen of the Loyabad Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

APPLICATION No. 10 OF 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act, 1947.

PRESENT:

Shri L. P. Dave, B.A. LL.B —*Chairman.*

PARTIES:

1. Sarswatia Kolin; 2. Meghia Kolin, Shale Picking Kamin, No. 9 Pit, Loyabad Colliery P. O. Bansjora—*Complainants.*

Vs.

Messrs. Burrakur Coal Co. Ltd., Loyabad Colliery, P. O. Bansjora, District Manbhum, Bihar—*Opposite party.*

APPEARANCES:

Shri Lalit Burman, General Secretary, Loyabad Labour Union, P. O. Bansjora, Dt. Manbhum—*For the Complainants.*

Shri D. N. Gupta, Chief Personnel Officer, Messrs. Bird & Co. Ltd., P.O. Sijua, Dt. Manbhum, Bihar—*For the Opposite party.*

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainants alleged that during the pendency of Reference No. 6 of 1952 they were dismissed with effect from 23rd March 1953 by the opposite party without obtaining the permission of the Tribunal.

3. The opposite party contended that they had not dismissed the complainants as alleged. The complainants were asked to change their quarters and alternate accommodation was offered to them. At first they accepted the offer but later on refused it, left their work without notice and took employment elsewhere. It was therefore urged that the complaint should be dismissed.

4. After this an application purporting to have been made by the complainants was sent to the Tribunal by post under which they stated that they wanted to withdraw the application and did not want to proceed with it. At the hearing, Mr. Burman on behalf of the complainants stated that the above application was not genuine and that thumb marks of the complainants were obtained thereon under mis-representation. The management produced a letter addressed to them by the complainants in which they stated that they agreed to withdraw the present complaint and also that they agreed and preferred to work under a contractor and that they would not claim reinstatement.

5. The matter was then fixed for hearing on 22nd June 1954 on which day, after some discussion, the parties arrived at a compromise, and a memorandum of compromise signed by them and also signed by Mr. Burman on behalf of the complainants was produced before me. A copy thereof is attached to this Award. Under the compromise, the management have agreed to give the complainants their previous jobs of shale pickers with effect from 24th June 1954. The complainants have stated that in view of this, they have no further claim against the opposite party. In view of the fact that the complainants are given back their previous jobs, I think that the compromise is fair and reasonable. It may be noted that the present complaint was filed long after the alleged dismissal of the complainants and sometime after Reference No. 6 of 1952 was disposed of, and ran the risk of being dismissed on that ground.

I therefore pass my award in terms of the compromise.

The 26th June 1954.

(Sd.) L. P. DAVE, *Chairman,*
Central Govt. Industrial Tribunal, Dhanbad

MEMORANDUM OF COMPROMISE
BEFORE THE CHAIRMAN, CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
DHANBAD

APPLICATION No. 10 of 1954, U/S 33A of I. D. ACT 1947.

PARTIES:

Sarswatia Kolin & Meghia Kolin, Shale Picking Kamins, Loyabad Colliery—*Complainants*.

Vs.

M/s. Burrakar Coal Co. Ltd.—*Opposite party*.

The humble petition of the parties most respectfully sheweth:

1. That in view of the compromise between the parties the contention raised by the parties need not be decided.

2. That without prejudice to the points raised by the parties, the management has agreed to give the applicants the previous jobs of shale pickers with effect from 24th June 1954.

3. That the applicants have no further claim whatsoever against the opposite party in view of this compromise.

Under the circumstances, it is prayed that the case may be disposed of in the terms of this agreement.

And your petitioners shall ever pray.

The 22nd June 1954.

(Sd.) LALIT BURMAN,

On behalf of the applicants.

(Sd.) D. N. GUPTA,

On behalf of the Opposite party.

L.T.I. of Sarswatia, Kolin.

L.T.I. of Meghia Kolin.

Filed.

(Sd.) L. P. DAVE, *Chairman*,

Central Govt. Industrial Tribunal, Dhanbad.

The 22nd June 1954.

[No. IR-2(365)/I.]

S.R.O. 2397.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Dhaneshwar Mahato, a workman of the Seltore Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 413 OF 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman*.

PARTIES:

Dhaneshwar Mahato, Watcher, Saltore Colliery, P.O. Saltore, Dist. Manbhum, Bihar—*Complainant*.

Vs.

Messrs. Burrakar Coal Co. Ltd., Saltore Colliery, P.O. Saltore, Dist. Manbhum, Bihar—*Opposite Party*.

APPEARANCES:

Shri Das Gupta, Office Secretary, Bihar Colliery Mazdoor Sangh, Opposite Imperial Bank of India, Dhanbad—*For the complainant.*

Shri J. L. Sinha, Junior Personnel Officer, M/s. Bird & Co. Ltd., P.O. Sijua, Dist. Manbhum, Bihar—*For the opposite party.*

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952, the opposite party terminated his services from 21st February 1953 without obtaining the permission from this Tribunal. He therefore prayed reinstatement with payment of full back wages.

3. The opposite party denied that it had arbitrarily terminated the complainant's services. It alleged that while the complainant was working as a watchman, certain articles were stolen from his jurisdiction and this could occur only due to his negligence or with his connivance. Similar theft occurred again and the management found that it was not desirable to continue him in service. The termination of his services was therefore justified and *bona fide*.

4. The parties appeared before me on 24th June 1954 and produced a memorandum of compromise entered into by them on 3rd May 1954, and also stated that the terms of the compromise had already been implemented. Under the terms of the compromise, the complainant was to be reinstated without any break in the continuity of his services from the date of the compromise (i.e. 3rd May 1954), and he was entitled to half wages, dearness allowance, bonus, etc. if he had continued in service from 21st February 1953, (the date on which his services were terminated), till the date of reinstatement. The compromise lastly provided that the amount as mentioned above was to be paid to the complainant within seven days from the compromise. In my opinion, this compromise was fair and reasonable. It has already been implemented, that is, the complainant has already been reinstated in service and has also been paid half the wages, dearness allowance, etc. for the period of his unemployment. In view of this, nothing remains to be done. The complaint is disposed of.

I pass my award accordingly.

The 30th June 1954.

(Sd.) L. P. DAVE, *Chairman,*

Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/I.]

S.R.O. 2398.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri D. N. Samanta, a workman of the Eastern Coal Company, Ltd.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 422 of 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

PARTIES:

D. N. Samanta, Switch Board Apprentice, Bhowrah Power House, P.O. Bhowrah, Dist. Manbhum, Bihar—*Complainant.*

Vs.

M/s. Eastern Coal Co. Ltd., Bhowrah Power House, P.O. Bhowrah, Dist. Manbhum—*Opposite Party.*

APPEARANCES:

Shri Lalit Burman, General Secretary, Loyabad Labour Union, P.O. Bansjora, Dist. Manbhum (Bihar)—*For the complainant.*

Shri S. K. Bhattacharya, Chief Welfare Officer, and Shri R. N. Choudhury, Asstt. Welfare Officer, c/o Superintendent of Collieries, M/s. Macneil & Barry Ltd., Dishergarh Post, Dist. Burdwan, West Bengal—*For the opposite party.*

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleges that he was working as a Switch Board Apprentice in the Bhowrah Power House under the management of Eastern Coal Co. Ltd. (i.e. the opposite party) and that his services were terminated by a letter dated 30th May 1953 only because he put forward his claims to be appointed as an attendant. He urges that the opposite party thus altered the condition of his service during the pendency of Reference No. 6 of 1952 and hence this complaint.

3. The opposite party raised a preliminary objection that the complaint was not maintainable because the opposite party had not contravened Section 33 of Industrial Disputes Act, inasmuch as it was not a party to Reference No. 6 of 1952. In my opinion, this preliminary objection must be upheld.

4. Section 33 of the Industrial Disputes Act prohibits an employer during the pendency of proceedings before a Tribunal to alter to the prejudice of the workmen concerned in such dispute, the conditions of service or to discharge or punish any workman concerned in such dispute, save with the express permission in writing of the Tribunal. In other words, during the pendency of a Reference, an employer cannot discharge or punish or alter the conditions of service of a workman concerned in such dispute. The allegation of the complainant is that his services were terminated during the pendency of Reference No. 6 of 1952 and hence the opposite party contravened the provisions of section 33 of Industrial Disputes Act.

5. Reference No. 6 of 1952 was regarding a dispute between the employers in relation to the several collieries mentioned in Schedule I of the Order of that reference and their workmen. Bhowrah colliery was one of the collieries included in that Schedule. That colliery does belong to the opposite party. It would however only mean that the dispute was between the opposite party and the workmen working in the Bhowrah colliery. The complainant was an employee of the Bhowrah Power House and not of the Bhowrah colliery. He has admitted in para. 1 of the complaint that he is employed in the Bhowrah Power House. He has described the opposite party as Messrs. Eastern Coal Co. Ltd., Bhowrah Power House, Bhowrah. In other words, this would mean that he was not a workman of any of the collieries, but a workman of the Bhowrah Power House. That being so, it could not be said that the opposite party contravened section 33 of the Act by terminating the services of the complainant.

6. Mr. Burman on behalf of the complainant however urged that Bhowrah Power House was a mine as defined in the Indian Mines Act, 1952 and hence the complainant must be deemed to be a workman concerned in Reference No. 6 of 1952. Section 2(j) of the Mines Act defines a mine as meaning any excavation where operation for the purpose of searching for or obtaining minerals has been or is being carried on. It further mentions that a mine would include among other things, a power station for supplying electricity solely for the purpose of working the mine or any group of mines. This definition appears only in the Mines Act of 1952. There was no similar definition or provision in the old Act, namely Indian Mines Act, 1923. The Indian Mines Act, 1952 came into effect from 1st July 1952. Mr. Bhattacharya contended on behalf of the opposite party that the order of Reference 6 of 1952 was made on 5th May 1952 and at that time the Mines Act, 1952 was not in operation and hence a person who may come under the new definition would not necessarily become a person working in a mine merely by the change in law, regarding the definition. I need not consider this point because assuming that the definition given in the Mines Act of 1952 governs the present case, I think that the complainant cannot be held to be a workman concerned in Reference No. 6 of 1952.

7. As I said above, the definition of a mine given in the Mines Act, 1952 includes a Power Station for supplying electricity *solely* for the purpose of working the mine or any group of mine. It is an admitted fact that the Bhowrah Power House supplies electricity not only to Bhowrah colliery and the Amlabad Colliery, both of which belong to the Eastern Coal Co. Ltd., but it also supplies electricity to two other collieries and also to Bhowrah Coke Plant, Pathardih Railway Station and Bhulanbararee Sand Station. None of these establishments belongs to the opposite party. The Power House was formerly supplying

electricity to the Bhowrah Railway Station also. In other words, the Bhowrah Power House supplies electricity not only to two collieries belonging to the opposite party and to some other collieries not belonging to the opposite party but also to a coke plant, a railway station and a sand station. The Bhowrah Power House is thus not meant for supplying electricity solely for the purpose of working a mine or any group of mines. That being so, it is not governed by the definition of mine given in the Mines Act, 1952.

8. The opposite party in relation to the Bhowrah Power House was thus not an employer who was a party to Reference No. 6 of 1952 nor was the complainant a workman concerned in the dispute. That being so, the opposite party did not commit breach of Section 33 of the Act by terminating his services.

9. The present complaint is therefore not maintainable. It fails and is dismissed.

I pass my award accordingly.

The 30th June 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.
[No. LR.2(365)/II.]

S.R.O. 2399.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Baliram Hazra, a workman of the Kustore Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 24 of 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application under Section 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman*.

PARTIES:

Baliram Hazra, Magzine Chaprasi, Kustore Colliery, P.O. Kusunda, Dt. Manbhum—*Complainant*.

Vs.

Manager, R.C.A. Ltd., Kustore Colliery, P.O. Kusunda (Manbhum)—*Opposite Party*.

APPEARANCES:

Shri S. P. Singh, Organising Secretary, Bihar Colliery Mazdoor Sangh, Opp. Imperial Bank of India, Dhanbad—*For the Complainant*.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite Party*.

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952, he was discharged by the opposite party on 30th October, 1953 without the express permission from this Tribunal.

3. The opposite party filed a written statement contending that the complainant was working as a Sub-Magzine Chaprasi; that the Sub-Magzine had to be closed from 20th September, 1953 and thereupon the complainant was put on compulsory leave without pay and subsequently laid off from 24th October, 1953. As a suitable job could not be found for him, his services were ultimately terminated on 9th February, 1954. It was urged that the complainant had not been discharged during the pendency of Reference No. 6 of 1952 and hence there was no contravention of Section 33 of the Industrial Disputes Act.

4. After the opposite party filed its written statement, the complainant sent a petition by post, stating that the matter had been amicably settled and that he

had been paid up all his dues in full and final satisfaction of his claim and that he did not therefore want to proceed with the present complaint. The complaint was then fixed for hearing and notices were issued to the parties. On the date of hearing, the complainant appeared before me along with Mr. S. P. Singh who has been authorised by him to appear on his behalf, and they admitted the above application withdrawing the complaint.

5. The complainant does not wish to proceed with the complaint, and it is disposed of.

I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman*,

The 30th June, 1954.

Central Govt.'s Industrial Tribunal, Dhanbad.

[No. LR.2(365)/III.]

S.R.O. 2400.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Kalipada Ghatak, a workman of the Gaslitan Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 289 of 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application under Section 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman*.

PARTIES:

Shri Kalipada Ghatak, Gaslitan Colliery, C/o Koyala Mazdoor Panchayat, P.O. Jharla—*Complainant*.

Vs.

The Manager, Gaslitan Colliery, P.O. Sijua, Dist. Manbhum, Bihar—*Opposite Party*.

APPEARANCES:

Shri S. K. Sharma, Vice-President, Koyala Mazdoor Panchayat, P.O. Jharla, Dist. Manbhum, Bihar—*For the Complainant*.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite Party*.

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952, the opposite party had terminated his services without obtaining the permission of this Tribunal.

3. The opposite party urged that the complainant was found to be inefficient as a Bonus Clerk and was therefore given the work of tally clerk which work also he was found incapable of doing. He also admitted his inability to carry out the duties of that post. A charge sheet was served on him and after considering his reply, his services were dispensed with on giving him a month's pay in lieu of notice.

4. At the hearing before me, after some discussion, the parties entered into a compromise. A copy of the compromise is attached to this award. Thereunder the complainant is to be paid 2 months 12 days' wages in full settlement of his claim. The complainant had himself expressed his inability to do a particular kind of work and in the circumstances, he could not get reinstatement. On the other hand, he was not given any gratuity or the like and he is now being given 2 months 12 days' wages. In my opinion, the compromise is fair and reasonable.

I therefore pass my award in terms of the compromise.

(Sd.) L. P. DAVE, *Chairman*,

The 1st July, 1954

Central Govt.'s Industrial Tribunal, Dhanbad.

BEFORE THE CHAIRMAN, CENTRAL GOVERNMENT'S INDUSTRIAL
TRIBUNAL, DHANBAD

In the matter of application No. 289 of 1953, under Section 33A of Industrial Disputes Act

PARTIES:

Kali Pada Ghatak—*Complainant*.

Vs.

The Manager, Gaslitan Colliery—*Opposite Party*.

That the above matter has been compromised between the parties above-named on the following:—

TERMS

1. That the complainant Kali Pada Ghatak will be paid 2 months and 12 days' wages in full settlement of all his claims and demands against the opposite party.

2. That the above payment will be made within 1 month from the date of this compromise.

3. That the complainant has no other or further claim against the opposite party and the complainant withdraws his claim for re-instatement.

It is, therefore, prayed that the matter may be disposed off in the terms of the above compromise.

And your petitioner, as in duty bound, shall ever pray.

The 1st July, 1954.

(Sd.) S. H. MURMA.

(Sd.) S. S. MUKHERJEA, *Pleader*,
For the Opposite Party.

(Sd.) KALIPADA GHATAK.

(Sd.) S. K. SHARMA,

Vice-President, Koyala Mazdoor Panchayat, Jharia.

The 1st July, 1954.

Filed.

The 1st July, 1954

(Sd.) L. P. DAVE, *Chairman*,

Central Govt. Industrial Tribunal, Dhanbad.

[No. LR.2(365)/IV.]

S.R.O. 2401.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Shee Charan Nunia, a workman of Gaslitand Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION NO. 292 OF 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application under Section 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman*.

PARTIES:

She Charan Nunia, Gaslitand Colliery, c/o Koyala Mazdoor Panchayat
P.O. Jharia, Dt. Manbhum—*Complainant*.

Vs.

The Manager, Gaslitand Colliery, P.O. Sijua, Dt. Manbhum—*Opposite Party*.

APPEARANCES:

Shri S. K. Sharma, Vice-President, Koyala Mazdoor Panchayat, P.O. Jharia,
Dt. Manbhum—*For the Complainant*.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad—*For the Opposite Party*.

AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The complainant alleged that during the pendency of Reference No. 6 of 1952, the opposite party terminated his services without obtaining the express permission of this Tribunal and therefore prayed that he should be reinstated from the date of his discharge.

3. The opposite party contended that the complainant was working as a Mining Sirdar and was thus a member of the supervisory staff and hence the present complaint would not be maintainable. It was further urged that on 14th November, 1952 though the complainant was required to see the working of the Megator pump in 16A seam, he did not actually go and see it but falsely reported that the pump was working right. In the course of the inspection by the Mining Sirdar of the second shift, it was found that the pump was completely drowned out showing that the pump must not have been working in the first shift. The complainant was thus guilty of gross neglect of duties. He was served with a charge sheet and after proper enquiry the opposite party was satisfied that the guilt of the complainant was proved. It therefore dismissed him. In the circumstances, it was urged that the complaint should be dismissed.

4. It is an admitted fact that the complainant was working as Mining Sirdar in the Gaslitand Colliery belonging to the opposite party. He was dismissed in November 1952. As reference No. 6 of 1952 was pending before this Tribunal and as the complainant was dismissed during the pendency of the above reference without the express permission of this Tribunal, the complainant urges that the opposite party committed a breach of Section 33 of the Industrial Disputes Act and hence filed the present complaint.

5. A preliminary objection was raised by the opposite party that the complaint is not maintainable because the complainant is not a workman. As I said above, it is an admitted fact that the complainant was working as Mining Sirdar. The contention of the opposite party is that a Mining Sirdar is a member of the Supervisory staff and has not to perform any manual or clerical work. The complainant has been examined at Exhibit 11, but he has not stated therein what his duties were. He has also not stated that he had to perform manual or clerical work nor has he described what manual or clerical work, if any, he had to do. On the contrary, he admitted in his cross-examination that as a Mining Sirdar, it was his duty to supervise the underground working in the mine.

6. A person can be appointed as a Mining Sirdar only after he obtains a competency certificate as required by the Indian Coalmines Regulations. The duties of an overman, Mining Sirdar and competent persons appointed under Regulation 70 of the Indian Coalmines Regulations, are defined in bye-laws 37 to 56 of the bye-laws for coalmines framed under the Mines Act. I had occasion to consider these duties in the dispute between the Management of Amlabad colliery and their workmen in Reference No. 35 of 1951. My award in that case has been published in the *Gazette of India*, Part II, Section 3, dated 9th May, 1953, at page 586, where I have considered the matter at length and held that the duties of a Mining Sirdar are supervisory and none of them requires any manual or clerical work to be done by him. As I said above, the complainant does not state in his deposition that he has to do any clerical or manual work. I am thus not satisfied that he was a workman as defined in the Industrial Disputes Act. That being so, the present complaint would not be maintainable.

7. On merits also, I think that the complaint must fail. The complainant was on duty in the first shift of 14th November, 1952. The management's case is that he was asked to see the working of the Megator pump in 16A seam. He did not actually go and see it; but falsely reported to the overman that the pump was working right. The Mining Sirdar of the second shift found in the course of his inspection that the pump was completely drowned out. The management therefore served the complainant with a charge sheet. The complainant's reply to the charge-sheet was that he was never asked by the overman to see the working of the megator pump but that he was asked to get the store lying in 16 seam to be removed and thereafter he was asked to see to the working of the pump in 17 seam. He further alleged that he remained in 17 seam to get the water de-watered. He urged that during the entire period of his shift, the overman never asked him to see the working in 16 seam and that the overman was throwing the blame on the complainant to save his own skin, and the management should therefore make a complete enquiry into the matter. In his deposition, the complainant has stated that the overman asked him to supervise the de-watering in seam No. 17 and did not ask him to see the working of the megator

pump in 16A seam. In the cross-examination, however, he admitted that it was part of his duty under the Mining Regulations to see and supervise whether the pump was working or not and hence even though the overman had only asked him to supervise the de-watering in seam No. 17, he had actually gone to see seam No. 16A to see whether the megator pump was working and he found that it was working and was in order. He admits that sometimes after he left his duty, he learnt that the pump was completely drowned.

8. There can thus be no doubt that the megator pump in 16A seam was found drowned during the second shift of 14th November, 1952. The fact that the pump was found drowned in the second shift itself shows that it must not have been working in the first shift; because, in such a case, it could not have been found drowned during the second shift.

9. The management allege that the overman had asked the complainant who was on duty during the first shift to go and see whether the pump was working and that the complainant without actually going and seeing there, reported to the overman that the pump was working which was not a fact as could be seen from the fact that the pump was found drowned in the second shift. The complainant at first said that nobody asked him to go and see the working of the pump, thereby meaning that this was the reason why he had not seen the pump. At the time of hearing, he changed his ground and said that though no one asked him to see the pump, he had still done so, because it was part of his duty to do so. If he had actually gone to see the pump during the first shift, I am sure that he would have mentioned that fact in his reply to the charge-sheet. I do not believe his present statement that he had gone to see the pump.

10. The management had before them the statement of the overman to the effect that he had asked the complainant to check the pump and the complainant reported to him at about 11 A.M. that everything was alright. From the evidence before the management, it was possible for them to come to the conclusion that the complainant had been asked by the overman to check the working of the pump; still he did not do so. Further as admitted by the complainant himself, it is a part of his statutory duty to check the pump and still he did not do so. In any case, therefore the complainant was guilty of gross neglect of duty which resulted in the pump being drowned, causing financial loss to the management. The management were, in the circumstances, justified in dismissing him. On merits also, therefore, the complaint fails.

In the result, the complainant is not entitled to any relief and the complaint is therefore dismissed.

I pass my award accordingly.

The 30th June, 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Govt.'s Industrial Tribunal, Dhanbad.

[No. LR.2(365)/V.]

P. S. EASWARAN, *Under Secy.*

CORRIGENDUM

New Delhi, the 9th July 1954

S.R.O. 2402.—In the notification of the Government of India in the Ministry of Labour, No. S.R.O. 2087, dated the 21st June, 1954, published on page 1670 of the *Gazette of India*, Part II, Section 3 dated the 26th June, 1954, for 'Shri Raman Roy' occurring in item 3 under "(3) Representatives of employees", read "Shri RANEN ROY".

[No. LWI-2(25)/54.]

New Delhi, the 12th July 1954

S.R.O. 2403.—In exercise of the powers conferred by clause (m) of section 58 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby makes the following rules, the same having been previously published and referred to

every Mining Board as required by sub-sections (1) and (4) of section 59 of the said Act, namely:—

1. *Short title.*—(1) These rules may be called the Mines (Posting up of Abstracts) Rules, 1954.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

2. *Definition.*—In these rules, unless there is anything repugnant in the subject or context, “the Act” means the Mines Act, 1952 (XXXV of 1952), and “section” means a section of the Act.

3. *Posting up of abstracts from the Act.*—(1) The abstracts of the Act contained in the Schedule annexed hereto shall be posted up outside the office of every mine in English, Hindi and either in the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine, and shall be maintained in clear and legible condition.

(2) Notwithstanding anything in sub-rule (1), the Chief Inspector or an Inspector may require the said abstract to be posted at any other place or in any other language.

SCHEDULE

Inspectors

1. Any Inspector may enter and inspect any mine (by day and night) and make such examination and enquiry as may be necessary, to determine the condition of the mine and to ascertain whether the provisions of this Act and of the rules, regulations, and bye-laws are being observed. If he has reason to believe that these provisions have been or are being contravened, he may search any place and take possession of any register or record concerning the mine. (Section 7).

2. Any Government servant, duly authorised by the Chief Inspector or an Inspector, may enter any mine for the purpose of surveying, levelling and measuring after giving at least 3 days' notice to the manager. (Section 8).

3. Every owner, agent and manager of a mine shall afford every Inspector and every person authorised under section 8 all reasonable facilities for making any entry, inspection, survey, measurement, examination or enquiry under this Act. (Section 9).

Management of Mines

4. Every mine shall be under the control, management and direction of one manager having the prescribed qualifications. (Section 17).

5. The owner, agent and manager of every mine shall be responsible that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the rules, regulations, and bye-laws and any order made thereunder. (Section 18).

Provision of Drinking Water, Ambulance Appliances and Latrines

6. In every mine, both above and below ground—

(a) a sufficient supply of cool and wholesome drinking water shall be provided and maintained at suitable points conveniently situated for all persons employed in the mine (Section 19).

(b) A sufficient number of first-aid boxes shall be provided and maintained (Section 21).

(c) A sufficient number of latrines and urinals, separately for males and females, shall be provided in every mine at suitable places accessible at all times to all persons employed in the mine. All latrines and urinals shall be maintained in a clean and sanitary condition. (Section 20).

Accidents

7. Where there occurs in or about a mine an accident causing loss of life or serious bodily injury or any dangerous occurrence, a notice in the prescribed form shall be sent to the prescribed authorities and simultaneously a copy of such notice shall be posted at the mine on a special notice board and kept posted for not less than two months from the date of such posting. (Section 23).

8. Where any person employed in a mine contracts any disease connected with mining operations, the owner, agent or manager shall send notice thereof to the Chief Inspector and to such other authorities as may be prescribed. (Section 25).

Hours and Limitation of Employment

9. No person shall work in a mine on more than six days in any one week. (Section 28).

10. If any person works, as provided under this Act, on any day of rest fixed for him, he should be given a compensatory day of rest within that or the following two months. (Section 29).

11. No adult shall work above ground in a mine for more than forty-eight hours in any week or for more than nine hours in any day and he shall have at least half an hour's rest after working for not more than five hours. The spread over of the period of work including rest interval shall not normally be more than 12 hours. (Section 30).

12. No adult shall work below ground in a mine for more than forty-eight hours in any week or for more than eight hours in any day, except that a pump-minder, an onsetter or attendant of continuously operated machinery may work for not more than nine hours on any day or for not more than fifty-four hours in any week. (Section 31).

13. Where a person works in a mine for more than forty-eight hours, whether above or below ground, he shall get, for such overtime work, wages at the rate of—

- (a) twice his ordinary rate of wages, for underground work; and
- (b) one and a half times his ordinary rate of wages for work above ground.

'Ordinary rate of wages' means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the sale on a concessional basis of foodgrains and other articles but does not include a bonus. (Section 33).

14. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding 12 hours. (Section 34).

15. Except as may be permitted under section 39(a), no person shall work for more than ten hours in any day, inclusive of overtime, nor shall the total number of hours of his overtime work exceed fifty in any one quarter. (Section 35).

16. The Manager of every mine shall post outside the office a notice of working hours and no person shall be allowed to work otherwise than in accordance with the notice. (Section 36).

17. The provisions regarding weekly day of rest, hours of work above and below ground and of section 36 shall not apply to supervising staff. (Section 37).

18. In case of an emergency, the manager may permit in accordance with the rules under section 39 persons to be employed in contravention of the provisions regarding hours of work. (Section 38).

Employment of Adolescents

19. No person aged between 15 and 18 years shall work underground in a mine unless he has been certified as fit for work as an adult by a Certifying Surgeon and carries, while at work, a token giving a reference to such certificate and he shall have rest for at least half an hour after not more than four and a half hours of continuous work. He shall not be employed between 6 P.M. to 6 A.M. (Section 40).

20. A certificate of fitness granted or renewed for the purpose of section 40 shall be valid only for 12 months and may be conditional regarding employment in general or regarding the nature of work and may be revoked by a Certifying Surgeon if the holder of a certificate is no longer fit for the work specified in the certificate. Where a certificate or the renewal of a certificate is refused a Certifying Surgeon shall state his reasons for refusal if the person concerned so requires. The adolescent or his parents shall not be liable to pay any fees for medical examination under section 40 in all cases where he is sent by the manager of the mine in which he will be employed if found fit. (Section 41).

21. An adolescent, granted a certificate of fitness and working in a mine shall be considered to be an adult for the purposes of this Act. (Section 42).

22. Where an Inspector is of opinion that any person working in a mine without a certificate of fitness is an adolescent or that an adolescent working with such a certificate is no longer fit, he may ask the manager not to employ such person

till he is examined or re-examined, as the case may be, and declared fit by a Certifying Surgeon or certified by him not to be an adolescent. (Section 43).

23. (1) No adolescent who has not been granted a medical certificate certifying that he is fit for work as an adult shall be employed or permitted to be employed above ground or in any workshop or power station in a mine or in any open cast workings in a mine—

(a) for more than four and a half hours in any day; or

(b) between the hours of 6 P.M. and 6 A.M.

(2) The period of work of all such adolescents employed in a mine shall be limited to two shifts which shall not overlap or spread over more than five hours each, and each such adolescent shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

(3) The provisions of section 28 shall apply to such adolescents and notwithstanding anything contained in sub-section (1) of section 38 or in section 39, no exemption from the provisions of section 28 shall be granted in respect of any adolescent. (Section 44).

Employment of Women and Children

24. No person below the age of fifteen years shall be employed in any mine or allowed to be present in any part of a mine which is below ground or in any open excavation in which any mining work is being done. (Section 45).

25. No woman shall be employed at any time of the day or night in any part of a mine which is below ground, and no woman shall be employed in any mine above ground or in open cast excavations except between the hours of 6 A.M. and 7 P.M. (Section 46 and Notification No. S.R.O. 1395, dated the 9th August 1952).

Registration of Workers

26. For every mine, there shall be kept a register of employees showing in respect of each person his or her name, age, sex, nature of employment, date of commencement of employment, the periods of work, the intervals and days of rest, the relay to which he or she belongs, reference to the certificate of fitness in case of an adolescent and the entries in the register shall be authenticated by the signature or thumb impression of the person concerned. There shall also be kept separate registers for work persons working (a) below ground, (b) in opencast workings, and (c) above ground showing in respect of each person the name, nature of his employment and the hours of relay and the relay to which he belongs. The register of persons employed below ground shall show at any moment the name of any person who is then present below ground in the mine. (Section 48).

Leave with Wages

27. Every person employed in a mine who has completed twelve months' continuous service (not less than 190 attendances in case of loaders or piece-rated workers working below ground and not less than 265 attendances for other persons) in the mine, shall be allowed, during the following twelve months, leave with full pay:

(a) for fourteen days, in case of monthly paid staff;

(b) for seven days, in case of other workers.

No application for leave shall ordinarily be refused. If any person is discharged before he can take leave to which he is entitled he shall be paid his wages or pay for that period of leave. (Section 51).

28. For the leave allowed to a loader or a piece-rated worker employed below ground he shall be paid at the rate of daily average earnings during the month of December. For the leave allowed to a person who is paid weekly or monthly the rate shall be equal to his normal daily wages during the week preceding his leave. Daily average earnings or wages shall include cash equivalent of free foodgrains and other cash compensation drawn during the period concerned. (Section 52).

29. Any monthly paid employee who has been granted leave for ten days or more and any weekly paid employee or a loader or piece-rated worker working below ground who has been granted leave for five days or more shall be paid in advance the wages due for the period of the leave allowed. (Section 53).

Penalties

30. Any person obstructing an Inspector in the execution of his duties may be punished with imprisonment upto three months or a fine upto five hundred rupees or both. (Section 63).

31. Whoever makes, gives, or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true, may be punished with imprisonment upto three months or a fine upto five hundred rupees or both. (Section 64).

32. Whoever knowingly uses for himself a certificate of fitness granted (under section 40) to some other person or allows a certificate of fitness granted to him to be used by any other person, may be punished with imprisonment upto one month or a fine upto fifty rupees or both. (Section 65).

33. If any person below 18 years of age is employed in more than one mine on any day, his parents, guardian or custodian may be punished with a fine upto fifty rupees. (Section 68).

34. If any mine is run without a manager, the owner or agent may be punished with imprisonment upto three months or with a fine upto five hundred rupees or both. (Section 69).

35. Whoever fails to give notice of any accidental occurrence or to post a copy of the notice on a special notice board, may be punished with imprisonment upto three months or a fine upto five hundred rupees or both. (Section 70).

36. No person shall interfere with, misuse or wilfully neglect to make use of any appliance provided for the purpose of health, safety or welfare of the workers, or wilfully do anything likely to endanger himself or others. (Section 72).

37. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law, or of any order made thereunder, for which no penalty is expressly provided may be punished with imprisonment upto three months, or a fine upto one thousand rupees or both. (Section 73).

38. Whoever contravenes any provision of this Act or of any rule, regulation, or bye-law or of any order made thereunder may be punished:

- (a) if such contravention results in loss of life, with imprisonment upto one year or a fine upto five thousand rupees or both;
- (b) if such contravention results in serious bodily injury, with imprisonment upto six months or a fine upto two thousand rupees; or both. (Section 74).

[No. M-41(4)/53.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 13th July 1954

S.R.O. 2404.—In pursuance of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1861, dated the 31st October 1952, namely:—

In the said notification for item 9, the following item shall be substituted, namely:—

"9. Shri Motilal Tapuriah, C/o The Kamla Mills Ltd., Kilachand Devchand Building, 45/47, Apollo Street, Fort, Bombay-1."

[No. P.F.33(1)/54.]

S.R.O. 2405.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Scheme Act, 1948 (XLVI of 1948), the Central Government hereby directs that the following further amendments shall be made in the Coal Mines Bonus Scheme published with the notification of the Govern-

ment of India in the Ministry of Labour, No. P.F. 16(1)/48, dated the 3rd July 1948, namely:—

In paragraph 3 of the said Scheme for clause (c) of the "Exceptions", the following clause shall be substituted and shall be deemed always to have been substituted, namely:—

"(c) he is employed in a State Railway Coal Mine, on pay and under conditions of service, which for the time being are similar to those obtaining in other Railway establishments, or under conditions of service which entitle him to pension under the Civil Rules, or".

[No. P.F.3(14)/52.]

TEJA SINGH SAHNI, Under Secy.